DOES SOCIAL JUSTICE GROUND DEMOCRACY IN EDUCATION OR DOES DEMOCRACY GROUND SOCIAL JUSTICE?

Sheron Fraser-Burgess
Ball State University

In recent theorizations of education's emerging political economies theorists aim to make sense of the relation between persistent social and economic inequalities in schooling experiences and stringent accountability regimes.[1] Salient to these movements are a set of looming demographic transitions. These include the forecasted emergence of a majority-minority society and the cultural flux of primary social institutions such as families, education, and long-standing pillars of religious beliefs and norms. Particularly arresting to philosophers of education is that, as unintended consequences, such developments have the potential further to vacate the promise of public schools as vehicles of equity. How, in the face of revolutionary change, can American education advance a democratic society that treats all equitably?

The notion of social justice is one moral lens through which philosophers of education continue to interpret and evaluate the interplay between contemporary sociopolitical conditions in education (e.g., schools, accountability, and public sentiment) and democratic norms. The term *social justice* has been bandied about in the field of education for much of the last two decades as a particular understanding of the moral framework by which we evaluate social institutions.[2] Despite its broad usage, the term remains somewhat unspecified in educational discourse. As Kent den Heyer claims, social justice is considered by some to be an empty signifier because of its multifarious interpretations.[3]

[1] Jean Anyon, *Ghetto Schooling: A Political Economy of Urban Educational Reform* (New York: Teachers College Press, 1997); Pauline Lipman, *The New Political Economy of Urban Education* (New York: Routledge, 2011); Lisa Delpit, *Multiplication Is for White People* (New York: New Press, 2012).

[2] Harry Brighouse, *School Choice and Social Justice* (Oxford: Oxford University Press, 2003); Stanley Gewirtz, "Towards a Contextualized Analysis of Social Justice," *Educational Philosophy and Theory* 38, no. 1 (2006): 69–81; Clarence Joldersma, "Education: Understanding, Ethics, and the Call of Justice," *Studies in Philosophy and Education* 30, no. 5 (2011): 441–447.

[3] Kent den Heyer and Diane Conrad, "Using Alain Badiou's Ethic of Truths to Support an 'Eventful' Social Justice Teacher Education Program," *Journal of Curriculum Theorizing* 27, no. 1 (2011): 7–19.

In this paper I examine one particular systematic and normative theorization of social justice in Barry Bull's *Social Justice in Education*.[4] Bull embarks on a timely and ambitious theory-to-practice project of grounding an educational theory of social justice in Rawls's seminal, liberal, distributive justice tome. I argue that in Bull's formulation of social justice principles, he fails adequately to take sociocultural identity into account, particularly with respect to the role it plays in the provenance of conflicts and in what is considered a "fair" resolution. I first define Rawls's concept of *distributive* justice, its relation to political liberalism, and how it relates to Bull's concept of *social* justice. I then focus my critique of these concepts' meaning and significance for resolving group and identity-based conflict about various educational goods upon Bull's educational principles.

Rawls's Distributive Justice, Overlapping Consensus

The central thrust of Rawls's *A Theory of Justice* is the politically liberal society's formation.[5] Political liberalism assumes reasonable pluralism as a given norm under which prevailing social institutions function. His theory is premised upon the idea that, in forming a society, reasonable people together derive principles of fairness under designated hypothetical conditions where all forms of goods (e.g., social, material, political) have yet to be distributed in society and, furthermore, no one possesses knowledge of his or her status. In the first aspect, agents produce these principles from the *original position,* and in the second, these principles fall behind the *veil of ignorance*. Rawls argues that, after the veil is lifted, agents rationally select rules that guarantee they secure maximum possible liberty commensurate with minimum possible social status.

Two principles specify "the fair terms of cooperation among citizens and specify when a society's institutions are just."[6] These are a *liberty principle*, according to which every person has extensive basic liberty rights, and a *difference principle* that dictates social and economic inequalities are to be arranged so they benefit the least advantaged, while upholding equality of opportunity.[7] Rawls's theory is a *distributive* theory of justice because his principles designate a basis on which to apportion a society's economic

[4] Barry Bull, *Social Justice in Education: An Introduction* (New York: Palgrave Macmillan, 2008).
[5] John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971).
[6] John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 133.
[7] Rawls, *Theory of Justice*, 60, 302; See also Tommie Shelby, "Race and Ethnicity, Race and Social Justice: Rawlsian Considerations," *Fordham Law Review* 72, no. 5 (2004): 1697–1714.

benefits and burdens; just distributions can be achieved through a fair process being open to all.[8]

In Rawls's view, principles of justice are neither sufficient to ground a politically liberal society nor can they ensure political disagreements amicably can be resolved to everyone's satisfaction. By way of solution, Rawls proposes the *overlapping consensus of reasonable comprehensive doctrines*, a label for society's common understanding of the good and the procedures by which societal good is enacted, preserved, and protected. "In such a consensus, the reasonable doctrines endorse the political conception, each from its own point of view. Social unity is based on a consensus about the political conception; and stability is possible . . ."[9] Overlapping consensus connotes agreement that the political conception of justice is realized in twin principles of liberty and equality, and citizens have a deliberation vehicle through which they reasonably can resolve disagreements about what those principles mean within their respective conceptions of the good. Political liberalism's demands for stability dictate the principles of justice and overlapping consensus allow both for freedom and justice. Democracy provides the rationale for Rawls's principles of justice.

Bull's Political Approach and an Overlapping Consensus

As does Rawls, Bull subscribes to an approach that derives a theory of justice promoting a politically liberal democracy. Such an approach emerges "from an effort to identify overlapping consensus about government among the normative beliefs of those who hold differing comprehensive ethical doctrines in a particular society."[10] Working within political liberalism's assumptions imposes particular demands on justice theorization in that one's political view "involves not only ascertaining the normative beliefs and judgments concerning government structure and operations about which a wide consensus exists," but also "submitting those consensual beliefs to [a] process of analysis."[11] During such deliberations one explores one's grounds for claims among citizens and resolves conflicts by seeking good reasons to modify beliefs. Bull views the primary task of his work as ascertaining what one's political approach to deriving justice demands of an overlapping consensus view of education. Specifically, what principles can serve as the deliberative moral ground? To make this determination, Bull ascertains what general purposes of schools are prominent and frequent "in American political discussions of their schools," and then determines "whether those ostensibly shared purposes can become the

[8] See Julian Lamont and Christi Favor, "Distributive Justice," *The Stanford Encyclopedia of Philosophy*, Spring 2013 edition, ed. Edward N. Zalta, http://plato.stanford.edu/archives/spr2013/entries/justice-distributive
[9] Rawls, *Political Liberalism*, 134.
[10] Bull, *Social Justice in Education*, 16.
[11] Ibid.

basis of normative principles for public schools that constitute the overlapping consensus."[12]

Distributive Justice vs. Social Justice

Just as Rawls rationally derives principles for general society (e.g., the liberty and the difference principle), Bull's derivation of social justice in education generates schooling's four general purposes that constitute common ground. These are *personal liberty*, *democracy*, *equality of opportunity*, and *economic growth,* the sum of which represents a reasonable outcome of a reflective equilibrium[13] constituting fairness in education. Bull attends to present-day education *writ large*, proposing a morally robust set of principles by which to navigate both institutional and local conflict. Defining schooling's four general principles, he proposes they constitute a basis for just schools and educational institutions. Although beyond the present paper's scope to discuss each principle in tandem, I recount the conceptual and moral assumptions governing Bull's notion of democracy:

> Conduct public schooling in a way that fosters children's ability and willingness to participate in public decision-making processes so that they acknowledge and respect the other political commitments of their society and so that they make constructive contributions to learn from, and act on the results of those processes in both their own and other's communities.[14]

In any deliberation, his democratic principle aligns with stakeholders' self-interests. Following this principle positions parents to promote the kind of moral environment in school communities consistent with the protection of personal liberties, and encouraging respect for others and the moral commitments implied by the remaining principles.

Distributive Justice vs. Social Justice

As I explain presently, while Rawls derives principles for *distributive* justice, Bull proposes four principles of *social* justice invoking a notion of conflict resolution that, I argue, departs from the Rawlsian notion of justice. Bull defines *social* justice as a conception of justice,

> that treats the adherents to various conceptions of the good fairly by, on the one hand, adjusting its public principles to

[12] Ibid., 17–18.
[13] In *Political Liberalism,* Rawls uses the term *reflective equilibrium* to describe a deliberative process in which reasoning moves between held principles, facts of the matter, and judgments. Reflective equilibrium is "our considered convictions, at all levels of generality, on due reflections" (8). His principles of justice are derived in reflective equilibrium and are applied deliberatively to resolve practical dilemmas.
[14] Bull, *Social Justice in Education,* 33.

> what the members of the society actually can in good conscience accept and, on the other, respecting and facilitating the various ways of life that those members of society deem best for themselves.[15]

This principle suggests one seek a reflective equilibrium between public principles and a private sense of the good, but does not include a mechanism such as the veil of ignorance to motivate reciprocity towards one's fellow citizens.[16]

To represent social justice issues present in an accountability and equality disagreement, Bull relates a conflict that pits Latino parents against Anglos over the school's rates of achievement at a fictional local school. Suddenly parental interests conflict when a Midwestern town's Latino student population comes to number "20% of the school's student population,"[17] and, on the basis of this new proportion of low-income students, the school qualifies for Title I funds. Because Latino students are English language learners and struggle to perform proficiently on high-stakes exams, the entire school is recategorized as failing to make adequate yearly progress (AYP). This development leads to unpleasant consequences for Anglo students who generally achieve proficiency and whose parents resist further curricular adjustment aimed at accommodating Latino parents' needs. Under the accountability regime, each year of "not making AYP" brings sanctions, more state oversight, and possible eventual administrative control. Bull describes the conflict:

> As might be expected, the anxiety in Jamesville over this development has been widespread. The school board and district administrators complain that the state testing standards do not adequately take into account the rapid change in the town's demographics. Middle school teachers express similar concerns but also think that the district and the state have not provided them with sufficient resources and assistance to teach Latino students effectively. . . . Anglo parents, while expressing some sympathy about the unfair labeling of the middle school, are convinced that the test scores are evidence that the schools are beginning to lose focus on their academic mission. Latino parents have been

[15] Ibid., 10.
[16] Bull's principle of equality of opportunity explores race-based preferences and mandatory curriculum as a means of ensuring that no child is consigned to a lifetime of poverty merely because one is born in an area of poorly funded schools. However, his principle still falls short of the degree of value that should be placed on recognition of identities in school.
[17] Ibid., 2.

> less vocal in the public debate, but their community leaders have quietly expressed the worry that Latino students and their parents are being unfairly, if surreptitiously, blamed for the test score decline, which, they believe, reveals the school's systematic neglect of Latino students.[18]

This fictional school's crisis is emblematic of the nexus of interests in conflict *No Child Left Behind* elicits throughout US public schools. Bull's example maps the conflict's racial/ethnic character his theory of action raises for parties on both sides of the gap and, in so doing, typifies conflict arising between accountability and equality. One would be hard pressed to name a stronger democratic ideal than the aim of closing schools' achievement gap; as Bull's example shows, in reality a democratic aim's enactment arguably can run afoul of some people's notions of fairness. How is such conflict to be resolved so both groups' members are treated equitably?

Bull acknowledges this conflict has roots in parents' quest for greater local control of educational policy; maintaining the democratic principle of justice equates to turning away from a jostling for political power and turning toward concern for the long-term implications for children. He argues that, instead of being too "concerned about their own political power to determine the nature of their children's education," citizens of various groups should attend to "the effects of such decisions on the political understanding and motivations that children come to achieve during and as a result of their schooling."[19]

In his example and discussion, nonetheless, he does not acknowledge the unequal power that disadvantages minority groups in such negotiations. Bull discusses both Latinos and Anglos in a de-contextualized way and places the onus to develop a just and democratic solution equally on both groups. I argue doing so does not accommodate identity as a social factor, rather it generates political conflict around conceptions of the good, and the good is obscured by one's inability to grasp fully how one's identity confers privilege or penalty.

Educational controversies' fault lines drawn to reconcile accountability and equality with conceptions of the good are related to conflict in one's politics of identity.[20] Crenshaw differentiates identity politics from individual activism, claiming the former is "the process of recognizing as social and systemic what was formerly perceived as isolated and individual."[21] Identity politics aggregate identity group members' experiences, revealing

[18] Ibid., 2.
[19] Ibid., 34.
[20] Kimberle Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics and Violence Against Women of Color," *Stanford Law Review* 43, no. 6 (1999): 1241–1298.
[21] Ibid., 1241–1242.

structural factors that stand in the way of equality and perpetuate a given group's oppression. US identity politics gel around issues of competing power and privilege. I argue overlooking identity politics and power differential's nuances weakens the basis on which Bull can claim his democratic principles instantiate a more-just society.

Social Justice without the Veil of Ignorance

Related to the neglect of identity politics, a primary shortcoming of Bull's democratic ideal of social justice is that, as a starting point for deliberation, it is grounded solely in the idea of fostering citizens' ability to find and sustain overlapping consensus around civic and social disagreement. Bull narrowly conceives his four principles around a local, reasons-based consensus and rejects Rawls's theoretical scaffolding that allows self-selected identity factors into deliberation. That is, Bull maintains parties locally can resolve differences by appealing deliberatively to each principle as basis for seeking particular goods. I argue that, in so doing, Bull moves away from Rawls's theory's hypothetical conditions that entail both the original position and the veil of ignorance, thereby disconnecting his notion of social justice from its foundation based on political liberalism's demands, as previously discussed.

Bull concedes he questions the basis and form of traditional democracy maintaining that it undermines political freedom, since "once a conception of the good for society has been adopted, all subsequent decisions about social policy and institutions are to be made in light of that conception."[22] He proposes a movement toward a democracy that "embodies common understanding of instrumental rationality."[23] Bull labels the flawed form of democracy "authoritarian," because its agreed-upon social goods (e.g., laws, policies) become the sole legal authority in adjudicating public and social policy. Objecting to such a regime's all-encompassing political authority, Bull rejects a centralized form of democracy as deeply flawed in large part because of "the empirical implausibility of its account of the connection between political will and social capacity."[24] Bull's critique denies the legitimacy of the backward justification for democratic government (that the proposal of a joint political will carries the hypothesis of a social contract), and calls into question the forward plausibility of the ideal to which a society aspires. As a result Bull limits democracy to a local understanding of participation in deliberation and governance. However, without a provision taking into account local-level identity factors, I question whether his notion of democracy can ever engender social justice.

[22] Bull, *Social Justice in Education,* 29.
[23] Ibid.
[24] Ibid., 30.

By limiting democracy to the local level, Bull moves away from classical social contract theory's conceptual underpinnings, one of Rawls's substantive philosophical influences on *A Theory of Justice*.[25] One tenet is the legitimacy a government derives from rational agents transferring an agreed-upon set of individual rights to a governing authority and consenting to that authority's rule by law.[26] Bull proposes an alternate, weaker justification for the state's authority over the individual in which all government is local. He says,

> It would not be sensible to understand the overlapping consensus about democracy as the formulation of a unified and abstract national democratic will . . . but instead as a set of more localized experiments in which a variety of concrete, competing, and incomplete hypotheses about the democratic will and social capacity are tested simultaneously.[27]

In education, democratic will promotes social justice, but only insofar as it imparts, engenders, and promotes students' skills and capacities to participate in public decision-making. Bull states, "the public education system of such a society can be understood, in part, as a set of government institutions and practices that enable and promote the continual emergence of reflective overlapping consensus."[28] As such, one can imagine Bull's notion of social justice becoming pervasive, for example, in civic education as representative of the good's multiple conceptions and in schooling that creates an environment for students progressively to explore developmentally appropriate, emerging conceptions of the good.

This localized version of democracy that relies solely on overlapping consensus to secure social justice is justified differently than Rawls's derivation of justice. As a means of securing cooperation in generating the principles of justice, Rawls offers the original position justification. Through this construct, Rawls asserts reciprocity constitutes overlapping consensus. Because of the veil of ignorance, agents must select justice principles that guarantee fairness is secured (e.g., maximum freedom and equality).

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[25] For an account of Locke's and Rawls's differential interpretations of classical social contracts, see Joseph Grcic, "Locke and Rawls on Natural Laws and the Social Contract," *Prima Philosophia* 19, no.1 (2006): 93–114. For discussion of Locke's influence on Rawls's forms of a good life, see William R. Lund, "Politics, Citizens, and the Good Life: Assessing Two Versions of Ethical Liberalism," *Political Research Quarterly* 49, no. 3 (1996): 479–504. Also, Brian Tierney, "Historical Roots of Modern Rights: Before Locke and After," *Ave Maria Law Review* 3 (2005): 23–43 offers a persuasive argument that Rawls' *liberty principle* has its roots in Locke's theory of natural rights.

[26] John Locke, *Second Treatise of Government* (1690), Project Gutenberg EBook, http://www.gutenberg.org/files/7370/7370-h/7370-h.htm.

[27] Bull, *Social Justice in Education*, 32.

[28] Ibid., 99.

In contrast, Bull places the burden of securing mutual respect solely upon a critically informed, reflective equilibrium leading to local, overlapping consensus. In terms of identity politics, however, I question whether, without this theoretical apparatus of reasonableness to guard against naked self-interest, agents can secure a set of principles that mitigate various forms of oppression: particularly racial injustice and ethnic bias.

Despite Bull's ideal, the limits of overlapping consensus stem not only from self-interested negotiation, but also from two additional sources. First is the racially and ethnically sanitized discourse in which striving for overlapping consensus is framed as accommodating plural conceptions of the good. Although Bull's case study presents a racially and ethnically polarized conflict, he analyzes this conflict within a discourse of neutrality. Bull's abstract and objective way of analyzing conflict is not in-and-of-itself immoral or even a non-starter for deliberation, for Rawls engages in much the same explanation of overlapping consensus as does Bull.

The difference between Rawls's and Bull's accounts focuses upon the role of overlapping consensus in theory building. Rawls's consensus principles of justice—the liberty principle[29] and the difference principle[30]—can apply to society's basic structure, or "a society's main political, social and economic institutions, and how they fit together into one unified system of social cooperation from one generation to the next."[31] As Shelby argues, with the general principle of justice as well as the liberty and difference principles, in theory no citizen can be subjected to partial or arbitrary treatment by institutions making up society's basic structure.[32] Bull's use of this device offers no such protections.[33]

The second difficulty in Bull's use of overlapping consensus is related to the first. Some agents do not make racial identity explicit and do not conceive of racial identity as a significant part of a flourishing life. It is therefore unknown whether one is able reciprocally to contemplate social rules for others whose well-being racial injustice or ethnic bias threatens. Absent the

[29] "Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all." Rawls, *Theory of Justice*, 302.
[30] "Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged . . . and (b) attached to the offices and positions open to all under conditions of fair equality of opportunity [*fair opportunity principle*]" (ibid.).
[31] Rawls, *Political Liberalism*, 11.
[32] Tommie Shelby, "Race and Ethnicity, Race and Social Justice: Rawlsian Considerations," *Fordham Law Review* 72, no. 5 (2004): 1697–1714.
[33] Bull does concede he uses *overlapping consensus* differently than does Rawls. See Barry Bull, "A Politically Liberal Conception of Civic Education," *Studies in Philosophy and Education* 27, no. 6 (2008), 451.

conception of original position as a foundation, one cannot argue one has a rational stake in cooperating with those consciously racially situated agents, and not morally culpable should one fail to cooperate.

Bull's case encourages viewing through a racial or ethnic lens since the parties' interests clearly are divided along racial and ethnic lines. However, resolving the conflict is premised on asymmetrically sorting stakeholders into identity groups as Anglos and Latinos. While the school's Latinos may share one aspect of identity, Bull leaves unspecified how identity is shared among Anglos, especially important since to this group is attributed a singular conception of the good. I argue elsewhere that grouping based on identity traits is wholly insufficient to create group cohesion that joins individuals within common conceptions of the good.[34] Instead, there is another category of *group identity*, in which the identity trait, while necessary, is not sufficient for membership. To be in possession of group identity, one must also demonstrate required knowledge, experiences and emotional commitment. In Bull's case, group members hold collective views of how respecting the group's rights involves preserving a particular way of life. For Rawls, such beliefs fall within the category of a *comprehensive*, reason-based system. To be just, a society accommodates fully comprehensive doctrines in an overlapping consensus and thereby enacts a reasonable pluralism.[35] A fully comprehensive doctrine "covers all recognized values and virtues."[36] I maintain identity group members enjoy a shared meta-framework imposed by a particular cultural view.

An identity group, in contrast, is an aggregate of individuals who have in common an involuntary trait. While the Latinos in Bull's case negotiate for curricular representation on the basis of their shared framework, Bull leaves unarticulated a similar basis for Anglos. Yet he posits through overlapping consensus the reflective equilibrium can allow greater understanding of the parties' various perspectives. I argue his claim to be lacking since such a scenario is not possible without an explicit exploration of the senses in which racial identity become meaningful to Anglos. His claim implies a form of democracy not adequately structured to account for the relative power and privilege of some groups with respect to others in their struggle for a more just and fair society.

Conclusion

In conclusion, I maintain Bull's laudable effort to theorize social justice more systematically apart from classical democratic theory meets with a considerable challenge with regard to adjudicating conflicts around racial

[34] Sheron Fraser-Burgess, "The Social Nature of Epistemically Normative Deliberation," in *Philosophy of Education 2008,* edited by Ronald D. Glass (Urbana-Champaign, IL: Philosophy of Education Society, 2009): 219–227.
[35] Rawls, *Theory of Justice,* 13.
[36] Rawls, *Political Liberalism,* 175.

injustice and ethnic bias. Absent context, to seek reciprocity outside moral grounds for promoting fairness in a democratically structured society may simply be beyond the capacity of some.

Given my argument, I am led to ask, what are the implications for defining social justice with respect to democracy and for issues of racism and ethnic bias? Seeking conceptual coherence and the democratic foundation of justice's relevance are two directions that should be explored. Constructively addressing society's racial/ethnic divide demands a robust sense of one's racial/ethnic identity and its significance. However, the approach for which I advocate presupposes all persons are situated within a given sociocultural context from which to navigate disagreement.